

Senate File 454 - Introduced

SENATE FILE 454
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 345)

A BILL FOR

1 An Act relating to misconduct by a school employee and
2 providing related duties, responsibilities, or civil and
3 criminal immunity for other persons, accredited public and
4 private schools, area education agencies, and the board of
5 educational examiners.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 272.2, subsection 1, paragraph b, Code
2 2011, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 b. Provide annually to any person who holds a license,
5 certificate, authorization, or statement of recognition
6 issued by the board, training relating to the knowledge and
7 understanding of the board's code of professional conduct and
8 ethics. The board shall develop a curriculum that addresses
9 the code of professional conduct and ethics and shall annually
10 provide regional training opportunities throughout the state.

11 Sec. 2. Section 272.15, subsection 2, Code 2011, is amended
12 to read as follows:

13 2. a. If, in the course of performing official duties,
14 an employee of the department becomes aware of any alleged
15 misconduct by an individual licensed under this chapter, the
16 employee shall report the alleged misconduct to the board
17 of educational examiners under rules adopted pursuant to
18 subsection 1.

19 b. The board may deny a license or revoke the license
20 of an administrator if the board finds by a preponderance
21 of the evidence that the administrator failed to report the
22 termination or resignation of a school employee holding a
23 license, statement of professional recognition, or coaching
24 authorization, for reasons of alleged or actual misconduct as
25 defined by this section.

26 Sec. 3. Section 280.17, Code 2011, is amended to read as
27 follows:

28 **280.17 Procedures for handling child abuse reports.**

29 1. The board of directors of a ~~public~~ public school district
30 and the authorities in ~~control~~ charge of a nonpublic school
31 shall prescribe procedures, in accordance with the guidelines
32 contained in the model policy developed by the department
33 of education in consultation with the department of human
34 services, and adopted by the department of education pursuant
35 to chapter 17A, for the handling of reports of child abuse, as

1 defined in section 232.68, subsection 2, paragraph "a", "c", or
 2 "e", alleged to have been committed by an employee or agent of
 3 the public or nonpublic school.

4 2. a. The board of directors of a school district and the
 5 authorities in charge of an accredited nonpublic school shall
 6 place on administrative leave a school employee who is the
 7 subject of an investigation of an alleged incident of abuse of
 8 a student conducted in accordance with 281 IAC 102.

9 b. If the results of an investigation of abuse of a
 10 student by a school employee who holds a license, certificate,
 11 authorization, or statement of recognition issued by the board
 12 of educational examiners finds that the school employee's
 13 conduct constitutes a crime under any other statute, the board
 14 or the authorities, as appropriate, shall report the results of
 15 the investigation to the board of educational examiners.

16 Sec. 4. Section 280.27, Code 2011, is amended to read as
 17 follows:

18 **280.27 Reporting violence — immunity.**

19 An employee of a school district, an accredited nonpublic
 20 school, or an area education agency who participates in good
 21 faith and acts reasonably in the making of a report to, or
 22 investigation by, an appropriate person or agency regarding
 23 violence, threats of violence, physical or sexual abuse of
 24 a student, or other inappropriate activity against a school
 25 employee or student in a school building, on school grounds,
 26 or at a school-sponsored function shall be immune from civil
 27 or criminal liability relating to such action, as well as for
 28 participating in any administrative or judicial proceeding
 29 resulting from or relating to the report or investigation.

30 EXPLANATION

31 This bill makes changes relating to misconduct by a
 32 school employee and provides for the related duties and
 33 responsibilities of certain other persons, accredited public
 34 and private schools, area education agencies, and the board of
 35 educational examiners.

1 The bill directs the board of educational examiners
2 to provide annually to any person who holds a license,
3 certificate, authorization, or statement of recognition
4 issued by the board, training relating to the knowledge and
5 understanding of the board's code of professional conduct and
6 ethics. The board shall develop a curriculum that addresses
7 the code of professional conduct and ethics and shall annually
8 provide regional training opportunities throughout the state.

9 The bill provides that the board may deny a license or
10 revoke the license of an administrator if the board finds by
11 a preponderance of evidence that the administrator failed to
12 report the termination or resignation of a school employee
13 holding a license, statement of professional recognition, or
14 coaching authorization, for reasons of alleged misconduct or
15 actual misconduct.

16 The bill also requires a school board and the authorities
17 in charge of an accredited nonpublic school to place on
18 administrative leave a school employee who is the subject of
19 an investigation of an alleged incident of abuse of a student.
20 If the results of the investigation of a school employee who
21 holds a license, certificate, authorization, or statement of
22 recognition issued by the board of educational examiners find
23 that the school employee's conduct constitutes a crime under
24 any other statute, the school board shall report the results of
25 the investigation to the board of educational examiners.

26 The bill provides civil and criminal immunity to an employee
27 of a school district, an accredited nonpublic school, or an
28 area education agency who participates in good faith and acts
29 reasonably in the making of a report to, or investigation by,
30 an appropriate person or agency regarding physical or sexual
31 abuse of a student.